

SUMMARY REPORT OF INVESTIGATION¹

Date/Time/Location of Incident:	April 15, 2016/12:30PM/ [REDACTED]
Date/Time of COPA Notification:	April 15, 2016/7:09PM
Involved Officer #1:	[REDACTED], Star # [REDACTED], Employee ID # [REDACTED], Date of Appointment: Police Officer, [REDACTED] District, Date of Birth: [REDACTED] 1976, Male, White.
Involved Officer #2:	[REDACTED], Star # [REDACTED], Employee ID # [REDACTED], Date of Appointment: [REDACTED], 2006, Police Officer, [REDACTED] District, Date of Birth: [REDACTED] 1981, Female, Hispanic.
Involved Individual #1:	[REDACTED], Date of Birth: [REDACTED] 1999, Female, Black (Victim).
Involved Individual #2:	[REDACTED], Date of Birth: [REDACTED] 1980, Female, Black (Reporting Party Third Party).
Case Type:	Excessive Force

I. ALLEGATIONS

Officer	Allegation	Finding
Officer [REDACTED]	1. Pulled Ms. [REDACTED]'s hood over her head and forced her against a squad car.	Exonerated
	2. Bit Ms. [REDACTED] on the shoulder.	Unfounded
	3. Pulled the handcuffs, causing pain to Ms. [REDACTED]'s wrist.	Exonerated
Officer [REDACTED]	1. Placed her forearm against Ms. [REDACTED]'s chest/throat area.	Exonerated

¹ On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

II. SUMMARY OF EVIDENCE²

On April 15, 2016, [REDACTED] was arrested for Unlawful Possession/Driver of a Stolen Vehicle, Aggravated Fleeing/Damage, and Reckless Driving. Ms. [REDACTED] alleges during her arrest, Officer [REDACTED], pulled her hood over her head and forced her against a squad car, bit her on the shoulder, pulled on the handcuffs, causing pain to her wrist, and referred to her as a "bitch." Ms. [REDACTED] further alleged that Officer [REDACTED] placed her forearm against her throat/chest area. After viewing available documents and conducting an interview of Ms. [REDACTED], COPA finds the allegations against Officers [REDACTED] and [REDACTED] to be Exonerated, Not Sustained and Unfounded. COPA's findings are further discussed in the Analysis portion of this report.

COPA reviewed all relevant reports including arrest reports, original case incident report, Detective supplementary report, event query reports, Evidence Technician/personal photos, and Ms. [REDACTED]'s statement and medical records. No digital evidence was available to COPA as the [REDACTED] District was not assigned Body Worn Cameras until November 26, 2017.

III. LEGAL STANDARD

For each Allegation COPA must make one of the following findings:

1. Sustained - where it is determined the allegation is supported by a preponderance of the evidence;
2. Not Sustained - where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded - where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct occurred and violated Department policy. *See Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense. See e.g., *People v. Coan*, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be defined as a

²COPA conducted a full and complete investigation of this matter, including the interview of all pertinent civilian and officer witnesses, and the collection and review of digital, documentary, and forensic evidence. As part of COPA's ongoing efforts to increase case closure capacity, certain cases opened under IPRA are summarized more succinctly in a Modified Summary Report of Investigation, pursuant to COPA Guideline Modified Summary Report of Investigation Template and Approvals, effective February 13, 2019.

“degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true.” *Id.* at ¶ 28.

IV. ANALYSIS AND CONCLUSION

Officer [REDACTED]

Allegation #1 that Officer [REDACTED] pulled Ms. [REDACTED]’s hood over her head and forced her against a squad car is **Exonerated**. In her statement to IPRA, Ms. [REDACTED] admitted to spitting and being non-compliant during her arrest, by pulling away from Officers [REDACTED] and [REDACTED]. Per the Department Use of Force Model, Ms. [REDACTED]’s actions identify her as an Active Resister. Based on the aforementioned, Officer [REDACTED]’s used the minimum force necessary to gain control of Ms. [REDACTED] and were within Department policy.

Allegation #2, that Officer [REDACTED] bit Ms. [REDACTED] on her shoulder is **Unfounded**. Ms. [REDACTED]’s hood was covering her face at the time she felt pressure on her shoulder. When Ms. [REDACTED] was asked to describe the pressure to her shoulder she stated, “It felt like a bite.” Ms. [REDACTED] is not sure if she was bitten and only speculated she was bitten. Photographs of Ms. [REDACTED] show what appears to be a red abrasion on her shoulder. However, it must be taken into consideration that Ms. [REDACTED] did jump from a moving vehicle as she fled from the police. Furthermore, Ms. [REDACTED] made no mention of being bitten until three days after the incident, at which time she was re-photographed. Although Ms. [REDACTED] made this allegation, there is no evidence to support her speculation that the red abrasion was caused from a human bite.

Allegation #3, that Officer [REDACTED] pulled on the handcuffs causing pain to Ms. [REDACTED] wrist is **Exonerated**. Ms. [REDACTED] was an Active Resister. Officer [REDACTED] was within in Department policy to use the handcuffs as a control instrument to gain control of Ms. [REDACTED].

Officer [REDACTED]

Allegation #1 that Officer [REDACTED] placed her forearm against Ms. [REDACTED]’s chest/throat area is **Exonerated**. In her statement to COPA, Ms. [REDACTED] stated she felt uncomfortable as Officer [REDACTED] began to search her, and that she moved her body about to prevent Officer [REDACTED] from accessing her pockets. At that point, Officer [REDACTED] placed her forearm about Ms. [REDACTED]’s chest/throat area and held her against a squad car. After gaining control of Ms. [REDACTED] Officer [REDACTED] conducted a search of her. Per Ms. [REDACTED], Officer [REDACTED]’s forearm was “momentarily” against her chest/throat. Officer [REDACTED]’s actions were within Department policy for an Active Resister for which Ms. [REDACTED] was at the time.

Approved: [REDACTED]

Angela Glass-Hearts
Deputy Chief Administrator – Chief Investigator

6-21-19
Date

Appendix A

Assigned Investigative Staff

Squad#:	[REDACTED]
Investigator:	[REDACTED]
Supervising Investigator:	[REDACTED]
Deputy Chief Administrator:	[REDACTED]